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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff, v. Jose Ramon BARRERA-Becerra (1) Hector PERALTA- Ramirez (2) Rosa Maria SOTO-ORTIZ (3) David BRISENO-Zavala (4) Defendant.	Mag. Case No. '07 MJ 8891 COMPLAINT FOR VIOLATION OF: Title 8, U.S.C., Section 1324 (a)(1)(A)(ii) Illegal Transportation of Aliens and Title 18 U.S.C., Section 2, Aiding and Abetting (Felony)

The undersigned complainant, being duly sworn, states:

On or about October 29, 2007, within the Southern District of California, defendants Jose Ramon BARRERA-Becerra, Hector PERALTA- Ramirez, Rosa Maria SOTO-ORTIZ, and David BRISENO-Zavala with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, Ana LOPEZ-Martinez, Ursino VASQUEZ-Ambrosio, and Olivia SANCHEZ-Chaparro had come to, entered and remained in the United States in violation of law, did transport and move, said aliens within the United States in furtherance of such violation of law; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii) and Title 18 United States Code, 2.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

MARCO A. MIRANDA
Senior Patrol Agent

SWORN TO BEFORE AND SUBSCRIBED IN MY PRESENCE THIS 31st DAY OF OCTOBER 2007.

PETER C. LEWIS
United States Magistrate Judge

UNITED STATES OF AMERICA
v.
Jose Ramon BARRERA-Becerra (1)
Hector PERALTA- Ramirez (2)
Rosa Maria SOTO-Ortiz (3)
David BRISENO-Zavala (4)

STATEMENT OF FACTS

The complainant states that this complaint is based upon statements in the investigative reports by the apprehending agents, Border Patrol Agent M. Hernandez, Border Patrol Agent S. Carter, Border Patrol Agent S. Sedano, Border Patrol Agent Vega-Torres, and Border Patrol Agent M. Harrington, that on October 29, 2007, the defendants, a United States citizen and three illegal aliens citizens of Mexico, were apprehended near Calexico, California. Jose Ramon BARRERA-Becerra as the driver of a brown 1988 Ford Windstar van bearing California license, 2XEU310, as he smuggled (6) six undocumented aliens from Mexico, in violation of law. Hector PERALTA-Ramirez was the foot guide. Rosa Maria SOTO-Ortiz was the scout driver of a brown 1996 Jeep Grand Cherokee bearing California license, 5KAH433. David BRISENO-Zavala was the scout driver of a white 1989 Toyota cargo van bearing California license, 5UBY388.

On October 29, 2007, Agent Hernandez, observed several individuals raft north across the All American Canal. The group crossed the United States/Mexico International border and waited on the north side of the All American Canal. During Agent Hernandez' observations, Agent Vega-Torres observed a white Toyota van driving and making several passes in the area. Agent Vega-Torres followed the van. The van stopped at a house located near Meadows Drive and Taft Street. The driver met with two other individuals a female later identified as Rosa Maria SOTO-Ortiz and a male later identified as David BRISENO-Zavala. Agent Vega-Torres observed as the three subjects boarded their vehicles and proceeded to the area of Cole Road and Highway 98.

Agent Harrington was concealed on the north side of Carr Road and saw as the group hide in the brush on the south side of Carr Road. Agent Vega-Torres continued following the three vehicles. The Jeep and Windstar drove to where the group of suspected illegal aliens was hiding; the Toyota van continued driving in a different direction. Agents observed as the lead vehicle slowed down, but the Windstar came to a stop directly north of the suspected illegal aliens. Agent Harrington observed as the group boarded the Windstar. Agent Vega-Torres followed the Windstar as it proceeded eastbound on Carr Road. Using his over-head emergency lights and sirens, Agent Vega-Torres attempted to perform a vehicle stop. The Windstar failed to yield and continued traveling northbound on Menvielle Road. Agents deployed a Controlled Tire Deflation Device (CTDD). The CTDD was successfully deployed on the Windstar, deflating three tires. The Windstar came to a stop approximately a quarter of a mile later.

Agents observed as the driver attempted to flee the Windstar. After a short pursuit Agents were able to apprehend the driver. Agent Vega-Torres approached the Windstar and could clearly see one individual sitting on the front passenger seat, later identified as Hector PERALTA-Ramirez, with six other passengers sitting on the back of the van. All of the passengers of the vehicle claimed to be citizens of Mexico without proper documentation to remain in the United States legally.

While Agents were engaged with the Windstar, Agent J. Jacques followed the Jeep. Agent Jacques was notified that the Windstar contained illegal aliens. Agent Jacques performed a vehicle stop on the Jeep. The driver of the Jeep pulled over and identified herself as Rosa Maria SOTO-Ortiz, a United States Citizen. SOTO was subsequently arrested for alien smuggling and transported to the Calexico Station for further processing.

At the station, BARRERA, PERALTA, SOTO, and BRISENO were advised of their Miranda rights in the English and Spanish language. BARRERA and SOTO acknowledged understanding their rights and were willing to answer any questions without an attorney present. BARRERA stated he has been successful on smuggling on two previous occasions. BARRERA told agents he was going to receive $100.00 for each smuggled alien.

BARRERA told agents he drove his girlfriend's Windstar. BARRERA said that smugglers called him and told him when and where to pick up the aliens. BARRERA also stated that his girlfriend (Rosa Maria SOTO-Ortiz) and her brother-in-law (David BRISENO-Zavala) were going to help him look out for Border Patrol in the area. BARRERA said that he was going to pay SOTO and BRISENO $100.00 for assisting him. BARRERA was shown several six-pack photo lineups; BARRERA positively identified Rosa Maria SOTO-Ortiz as a scout driving the Jeep Cherokee. BARRERA also positively identified David BRISENO-Zavala as the scout driving the white Toyota van and positively identified Hector PERALTA-Ramirez as the foot guide that led the group to where they boarded the Windstar.

SOTO told agents that she understood she was arrested for aiding and abetting alien smuggling. SOTO told agents that she was going to receive $100.00 for assisting BARRERA in scouting for Border Patrol in the area. SOTO also told agents that the Windstar and the Jeep belonged to her. SOTO stated that her brother-in-law David BRISENO-Zavala was also assisting BARRERA and that BRISENO was also receiving $100.00 for his services. SOTO was shown several six-pack photo lineups and SOTO positively identified Jose Ramon BARRERA-Becerra as the driver of the Ford Windstar. SOTO also positively identified David BRISENO-Zavala as the other scout driver that was driving the white Toyota van.

Material Witnesses Ana LOPEZ-Martinez, Ursino VASQUEZ-Ambrosio, and Olivia SANCHEZ-Chaparro stated that they are all citizens of Mexico without immigration documents that would allow them to remain in the United States legally. LOPEZ, VASQUEZ, and SANCHEZ stated they all made arrangements to pay between $2,500.00 and $3,000.00 to be smuggled into the United States. LOPEZ, VASQUEZ, and SANCHEZ stated they crossed illegally by rafting across the All American Canal into the United States/Mexico International border.

LOPEZ, VASQUEZ, and SANCHEZ were shown several six-pack photo lineups. LOPEZ, VASQUEZ, and SANCHEZ positively identified Hector PERALTA-Ramirez as the foot guide that guided them into the United States. SANCHEZ also positively identified Jose Ramon BARRERA-Becerra as the driver of the van they were picked them up. LOPEZ, VASQUEZ, and SANCHEZ stated that PERALTA also boarded the Windstar they were being smuggled in.

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The complainant states that the names of the Material Witnesses are as follows:

NAME	**PLACE OF BIRTH**
Ana LOPEZ-Martinez	Mexico
Ursino VASQUEZ-Ambrosio	Mexico
Olivia SANCHEZ-Chaparro	Mexico

Further, complainant states that Ana LOPEZ-Martinez, Ursino VASQUEZ-Ambrosio, and Olivia SANCHEZ-Chaparro are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.